

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHIRLEY CARTER,

Plaintiff,

vs.

CASE NO. 15-cv-10039

HONORABLE GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____/

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DOC. #15) GRANTING DEFENDANT'S
MOTION TO DISMISS (DOC. #11) AND DISMISSING ACTION

Before the court is defendant's motion to dismiss the complaint, which was referred to the magistrate judge for a report and recommendation. On July 22, 2015, Magistrate Judge Michael Hluchaniuk issued his report, recommending that the court grant defendant's motion to dismiss, because plaintiff failed to timely seek administrative review of the decision denying benefits. As a result, the magistrate judge concluded that there is no final decision of the Commissioner that may be reviewed by the court.

The magistrate judge specifically stated that any objections to his report were to be filed within 14 days of service, and that failure to file such objections constituted a waiver of any further right to appeal. See *Thomas v. Arn*, 474 U.S. 140, 155 (1985). Plaintiff did not file any objections.

The court has reviewed the record and briefing in this matter, as well as the magistrate judge's report and recommendation. Finding that report and recommendation to be well-reasoned, the court hereby ACCEPTS the result recommended therein.

Accordingly, defendant's motion to dismiss (Doc. #11) is GRANTED. This case is DISMISSED.

Dated: August 12, 2015

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon Shirley A. Carter,
20800 Wyoming, Apt. 415, Ferndale, MI 48220 and attorneys
of record on
August 12, 2015, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk